THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P.No. 19259 of 2006

DATE: 08-11-2006

Between:

Smt. S. Ramanamma

..Petitioner.

And

Andhra Pradesh State Road Transport Corporation,
Musheerabad, Hyderabad,
Rep., by its Vice Chairman & Managing Director and another.

..Respondents

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 19259 of 2006

O R D E R:

This writ petition is filed seeking a direction to the respondents to provide employment to the petitioner on compassionate grounds under the Bread Winner Scheme in the post of Conductor, Shramik or any other suitable post.

The petitioner's husband, who was appointed as Mechanic in Saluru Depot died in harness in the month of September, 2000. Pursuant thereto, the petitioner claims to have made representations to the respondents on 10-11-2000 and 19-12-2000 praying to provide employment on compassionate grounds in the post of Conductor/Shramik or any other suitable post. Vide letter dated 09-01-2001, the petitioner was called upon to attend an interview on 17-01-2001, which she attended. The petitioner claims that though she was selected, she was not given appointment orders. Therefore, she made representations, and acting on the said representations, the petitioner states that she was sent to training from 12-06-2003 to 12-08-2003 at Transport Academy at Hakimpet, Hyderabad. The grievance of the petitioner is that though she was selected and successfully completed her training, the respondents have not appointed her on compassionate grounds, which is illegal and arbitrary.

On behalf of the respondents, their Law Officer filed counter affidavit alleging *inter alia* that the Managing Director issued letter dated 06-11-2004 to the Regional Manager, APSRTC East Godvari, Rajahmundry advising him to take necessary steps to appoint eight candidates, including the petitioner, to the post of Conductor Grade-II after observing all the formalities, but subsequently vide letter dated 10.02.2005 of the 1st respondent, the said eight posts were re-allotted to Vishakapatnam region. The 1st respondent, by a subsequent letter dated 16-03-2005, informed that in view of reassessment of the requirement of sanctioned vacancies, no appointments/training shall be made/given if the selections were already made, and if the selections are under process, they shall be stopped until further orders. It is stated that the case of the petitioner could not be considered for appointment as Conductor under Bread Winner Scheme for want of vacancies.

While so, the Government of Andhra Pradesh issued G.O. Ms. No. 74 dated 07-04-2005 T.R. & B (Tr. III) Department permitting the 1st respondent to engage Drivers and Conductors on contract basis for a period of four months upto July, 2005 by relaxation of Section 10(1)(c) of Contract Labour (A.P. Amendment) Act subject to conditions therein. While so, the 1st respondent addressed a letter to the Secretary to Government, Transport, Roads & Buildings (Tr.III) Department to consider the cases of dependents of the employees for the post of Conductors on regular basis against regular vacancies under Bread Winner Scheme. Pursuant to the said letter, the Principal Secretary to Government, vide letter dated 30.07.2005, informed the 1st respondent that the cases of the dependents of deceased employees for appointment under compassionate grounds cannot be

considered. It is stated that though repeated correspondence was made by the 1st respondent to the Government to accord permission, no action has been taken thereon so far. Though the petitioner is entitled to the benefit of compassionate appointment under the circulars of the Corporation, the petitioner could not be appointed under Bread Winner Scheme for want of vacancies.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APSRTC.

Having regard to the stand taken by the respondents in their counter that the petitioner was selected as Conductor/Shramik in regular course and that though she having completed the training successfully is entitled for compassionate appointment, but because of want of vacancies under the Bread Winner Scheme she has not been appointed, I deem it appropriate to dispose of the writ petition with the following directions:

The respondents shall consider the case of the petitioner for appointment on compassionate grounds under the Bread Winner Scheme, either in the post of Conductor/Shramik or any other suitable post, as early as possible, preferably within a period of three months from the date of receipt of a copy of this order, and more so when she is said to have been selected in the regular process of selection and also completed the training successfully.

The writ petition is accordingly disposed of. No costs.

N.V. RAMANA, J

Dated: 08 -11-2006
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